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## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

04/16/2009

Ivan S. Kavrukov, Esq.  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

ZHU, RICHARD Z

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 04/16/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,707

01/23/2004

Masashi Tokuda

2271/71523

7647

TITLE OF INVENTION: MODEM AND FACSIMILE APPARATUS CAPABLE OF MONITORING G3 COMMUNICATIONS VIA ISDN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/16/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

04/16/2009

Ivan S. Kavrukov, Esq.  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional

NO

\$1510

\$300

\$0

\$1810

07/16/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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ZHU, RICHARD Z

2625

358-442000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1 \_\_\_\_\_

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

ZHU, RICHARD Z

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 04/16/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 666 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 666 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/763,707	TOKUDA, MASASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	RICHARD Z. ZHU	2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/02/2009.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>1/23/2004</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
|--|---|

/Richard Z. Zhu/  
Examiner, Art Unit 2625

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

## **DETAILED ACTION**

### ***Acknowledgement***

1. Acknowledgement is made of applicant's amendment made on 01/02/2009. Applicant's submission filed has been entered and made of record.

### ***Status of the Claims***

2. Claims 1-19 are pending.

### ***Examiner's Amendment***

3. An examiner's amendment is applied to all independent claims as follow:

The text of all pending claims, (including withdrawn claims) is set forth below. Cancelled and not entered claims are indicated with claim number and status only. The claims as listed below show added text with underlining and deleted text with ~~striketrough~~. When striketrough cannot easily be perceived, or when five or fewer characters are deleted, [[double brackets]] are used to show the deletion. The status of each claim is indicated with one of (original), (currently amended), (cancelled), (withdrawn), (new), (previously presented), or (not entered).

1. (currently amended) A facsimile use modem apparatus, comprising:

an analog interface formed from a silicon data access arrangement operative to interface with an analog telephone line, said analog interface including an insulation device

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configured to insulate a remainder of said facsimile use modem apparatus from said analog telephone line;

a digital interface operative to interface with an ISDN (integrated services digital network) line and configured for G3 communications through the ISDN line;

a signal converting device configured to convert a modem signal used in facsimile communications via the analog telephone line into a first signal used in the ISDN line, and convert a second signal from the ISDN line into a converted signal for use in facsimile communications via the analog telephone line;

a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of the facsimile communications via the ISDN line; and

a data transmitting device operative to transmit linear data to a speaker via the silicon data access arrangement;

a system side device connecting the silicon data access arrangement and the digital interface that enables transmission of signal through an insulation condenser to thereby enable ~~wherein~~ said monitoring device located within the silicon data access arrangement ~~is and configured for to monitoring~~ G3 communications executed through the ISDN line.

7. (currently amended) A facsimile apparatus including a facsimile use modem comprising:

an analog interface formed from a silicon data access arrangement operative to interface with an analog telephone line, said analog interface including an insulation device

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configured to insulate a remainder of said facsimile use modem apparatus from said analog telephone line;

a digital interface operative to interface with an ISDN (integrated services digital network) line and configured for G3 communications through the ISDN line;

a signal converting device configured to convert a modem signal used in facsimile communications via the analog telephone line into a first signal used in the ISDN line, and convert a second signal from the ISDN line into a converted signal for use in facsimile communications via the analog telephone line;

a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of the facsimile communications via the ISDN line; and

a data transmitting device operative to transmit linear data to a speaker via the silicon data access arrangement;

a system side device connecting the silicon data access arrangement and the digital interface that enables transmission of signal through an insulation condenser to thereby enable ~~wherein~~ said monitoring device located within the silicon data access arrangement ~~is and configured for to monitoring~~ G3 communications executed through the ISDN line.

8. (currently amended) A network connecting a facsimile apparatus having a facsimile use modem comprising:

an analog interface formed from a silicon data access arrangement operative to interface with an analog telephone line, said analog interface including an insulation device

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configured to insulate a remainder of said facsimile use modem apparatus from said analog telephone line;

a digital interface operative to interface with an ISDN (integrated services digital network) line and configured for G3 communications through the ISDN line;

a signal converting device configured to convert a modem signal used in facsimile communications via the analog telephone line into a first signal used in the ISDN line, and convert a second signal from the ISDN line into a converted signal for use in facsimile communications via the analog telephone line;

a monitoring device located within the silicon data access arrangement and configured for monitoring a progress of the facsimile communications via the ISDN line; and

a data transmitting device operative to transmit linear data to a speaker via the silicon data access arrangement;

a system side device connecting the silicon data access arrangement and the digital interface that enables transmission of signal through an insulation condenser to thereby enable ~~wherein~~ said monitoring device located within the silicon data access arrangement ~~is and configured for~~ to monitoring G3 communications executed through the ISDN line.

Support of said limitation is found in at least the example of Page 8, Line 26 – Page 9, Line 7 of the specification.



Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative of record Paul Teng on 02/23/2009.

*Allowable Subject Matter*

**4. Claims 1-19 are allowed for the following reasons:**

The closest prior art of record *Shimoosawa (US 5418625 A)* discloses a facsimile apparatus having a ISDN connection and a PSTN connection for communication facsimile data in G3 mode through the ISDN connection (**Col 2, Rows 23-43**). However, there is neither disclosure for a silicon data access arrangement nor suggestion for a system side device connecting said silicon data access arrangement for monitoring said G3 communication through the ISDN connection. Therefore, the reference does not disclose a system side device connecting the silicon data access arrangement and the digital interface that enables transmission of signal through an insulation condenser to thereby enable said monitoring device located within the silicon data access arrangement to monitor G3 communications executed through the ISDN line.

*D'Angelo (US 7330544 B2)* and *Rahamim (US 6351530 B1)* discloses silicon data access arrangement and suggestion for use of said silicon data access arrangement (**See examiner's citation in office actions**) in connection with DSP chips in a system side device. For example, *D'Angelo (Col 14, Rows 14-45 and see Fig 2)* discloses a modem solution to

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isolate silicon DAA from system side device. However, there is no teaching for a system side device connecting the silicon data access arrangement and the digital interface that enables transmission of signal through an insulation condenser to thereby enable said monitoring device located within the silicon data access arrangement to monitor G3 communications executed through the ISDN line. While *Rahamim* does disclose silicon DAA connected to a system side circuitry that allows a call progress monitoring of transmission through a telephone line (**Col 6, Rows 20-26**), it does not suggest this configuration can be modified to monitor G3 communication executed through a ISDN line. Therefore there is no teaching for a system side device connecting the silicon data access arrangement and the digital interface that enables transmission of signal through an insulation condenser to thereby enable said monitoring device located within the silicon data access arrangement to monitor G3 communications executed through the ISDN line.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be labeled “comments on statement of reasons for allowance”.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Richard Z. Zhu whose telephone number is 571-270-1587 or examiner's supervisor King Y. Poon whose telephone number is 571-272-7440. Examiner Richard Zhu can normally be reached on Monday through Thursday, 6:30 - 5:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZ<sup>2</sup>  
02/23/2009

Richard Z. Zhu  
Assistant Examiner  
Art Unit 2625

/King Y. Poon/

Supervisory Patent Examiner, Art Unit 2625